

**UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF VIRGINIA  
RICHMOND DIVISION**

<b>NAVIGATORS INSURANCE COMPANY</b>	)	
<b>as subrogee of MCTYRE TRUCKING</b>	)	
<b>COMPANY, INC.,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	<b>Case No. 3:11CV061</b>
<b>v.</b>	)	
	)	
<b>VERIZON VIRGINIA, INC.,</b>	)	
	)	
<b>Defendant.</b>	)	
_____	)	

**VERIZON VIRGINIA’S MOTION TO DISMISS**

**COMES NOW** Verizon Virginia, Inc. (“Verizon”), by counsel, and, pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, moves this Court to dismiss the Plaintiff’s action on the ground that the Plaintiff’s complaint fails to state a claim upon which relief can be granted. In support of this motion, Verizon submits a memorandum of law herewith.

**WHEREFORE**, Verizon moves this Court to grant its motion to dismiss and to dismiss the Plaintiff’s complaint for failure to state a claim upon which relief can be granted.

Respectfully submitted,

VERIZON VIRGINIA, INC.

By counsel

/s/

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**CERTIFICATE OF SERVICE**

I hereby certify that on February 11, 2011, I will electronically file the foregoing with the Clerk of the Court using the CM/ECF system, which will then send a notification of such filing (NEF) to the following:

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/s/

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